

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:08-CR-036
	)	(PHILLIPS/SHIRLEY)
EDDIE GENE FRAKER,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case came before the Court on an Order [Doc. 43] from the District Court referring the appointment of new counsel for the Defendant to the undersigned. The parties appeared before the Honorable Thomas W. Phillips, United States District Judge, on April 9, 2009. At the status conference before Judge Phillips, the Defendant made an oral motion to substitute counsel, which was granted. Accordingly, this matter is now ripe for appointment of new counsel.

At a hearing held before the undersigned on April 15, 2009, Assistant United States Attorney Cynthia Davidson was present representing the Government. Attorney Ursula Bailey was present in the courtroom and agreed to accept representation of the Defendant, who was also present. Attorney Bailey stated that she was aware of the plea agreement entered in this case and knew of no conflicts that would prevent her from representing the Defendant. The Court hereby **SUBSTITUTES AND APPOINTS** Attorney Bailey under the Civil Justice Act (CJA) as counsel of record for the Defendant.

Upon substitution, the Court reset the sentencing in this matter to May 28, 2009, at 9:00 a.m. The Defendant's previous counsel Attorney Gerald Gulley is currently in trial on another matter before the Honorable Thomas A. Varlan, United States District Judge, and was unable to attend the hearing. However, the Court instructed Attorney Bailey to contact Attorney Gulley and obtain his file in this matter at their earliest mutual convenience.

In summary:

1. Attorney Gulley is relieved of any further responsibility in this case, and Attorney Bailey is **SUBSTITUTED** and **APPOINTED** as CJA counsel for the Defendant; and
2. The sentencing in this matter is set for **May 28, 2009, at 9:00 a.m.** before the Honorable Thomas W. Phillips, United States District Judge.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge